



08-CV-01019-APP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KILROY AND ASSOCIATES, INC., DANIEL P.
ANDERSON,

Defendants.

) Case No. C08-1019 JCC

) IN ADMIRALTY

) CONSENT JUDGMENT

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Attorneys for Plaintiff United States of America

1 WHEREFORE, the United States filed its complaint and action herein against defendants
2 Kilroy and Associates, Inc., and Daniel P. Anderson pursuant to the provisions of the Oil Pollution
3 Act of 1990 ("OPA"), 33 U.S.C. §§ 2701, *et seq.*;

4 WHEREFORE, the Court granted partial summary judgment in favor of the United States
5 and against defendants Kilroy and Associates, Inc., and Daniel P. Anderson (Docket No. 20),
6 whereby the Court granted summary judgment in favor of the United States and against both
7 defendants as to all liability issues, the Court reserving and not ruling on the amount of damages;

8 WHEREFORE, pursuant to the consent of the parties, by and through their respective
9 counsel, entry of this Consent Judgment is agreed to by and between plaintiff United States of
10 America and defendants Kilroy and Associates, Inc., and Daniel P. Anderson; and

11 WHEREFORE, it is, on the undersigned consents of counsel, hereby

12 ORDERED AND ADJUDGED that judgment shall be, and the same is, entered in favor of
13 the United States and against defendants Kilroy and Associates, Inc., and Daniel P. Anderson, jointly
14 and severally, in the amount of \$453,917.62 (Four Hundred and Fifty-Three Thousand, Nine
15 Hundred and Seventeen Dollars, and Sixty-Two Cent), said amount consisting of \$421,880.32
16 principal and \$32,037.30 pre-judgment interest thereon; it is further

17 ORDERED AND ADJUDGED that, as part of the settlement entered into and agreed upon
18 by the United States and defendants Kilroy and Associates, Inc. (hereafter "Kilroy") and Daniel P.
19 Anderson (hereafter "Anderson"), Anderson shall pay to the United States a total of \$25,000
20 (Twenty-Five Thousand Dollars), plus simple interest of .17% *per annum* on the unpaid principal
21 amount of the foregoing \$25,000, said \$25,000 principal amount to be paid in four installments, as
22 follows:

23 (A) Not later than 90 (ninety) days following entry of this Consent Judgment, Anderson
24 shall pay the first installment of the principal of \$6,250 (Six Thousand, Two
25 Hundred-Fifty Dollars and Zero Cents) to the United States *via* cashier's check or
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1 money order made payable to the "United States Department of Justice";

2 (B) Not later than one year following the initial payment specified in subparagraph (A)
3 above, Anderson shall pay the second installment of the principal of \$6,250 (Six
4 Thousand, Two Hundred-Fifty Dollars and Zero Cents) to the United States *via*
5 cashier's check or money order made payable to the "United States Department of
6 Justice";

7 (C) Not later than two years following the initial payment specified in subparagraph (A)
8 above, Anderson shall pay the third installment of the principal of \$6,250 (Six
9 Thousand, Two Hundred-Fifty Dollars and Zero Cents) to the United States *via*
10 cashier's check or money order made payable to the "United States Department of
11 Justice";

12 (D) Not later than three years following the initial payment specified in subparagraph (A)
13 above, Anderson shall pay \$6,313.15, said payment constituting the fourth install-
14 ment of the principal of \$6,250 (Six Thousand, Two Hundred-Fifty Dollars and Zero
15 Cents), *plus* \$63.75, said latter amount constituting all accrued interest on the
16 principal amount of \$25,000, the foregoing final installment payment of principal and
17 accrued interest to be paid *via* cashier's check or money order made payable to the
18 "United States Department of Justice"; it is further

19 ORDERED AND ADJUDGED that with respect the payments set forth in sub-paragraphs
20 (A), (B), (C), and (D) above, Anderson shall have a 20 (twenty) day grace period on each such
21 payment; it is further

22 ORDERED AND ADJUDGED that if any payment required pursuant to sub-paragraphs (A),
23 (B), (C), and (D) above is not received by the United States within the applicable twenty day grace
24 period, all remaining unpaid sums of the Consent Judgment entered in the amount of \$453,917.62
25 shall, without notice or any further action by the United States or the Court, automatically be
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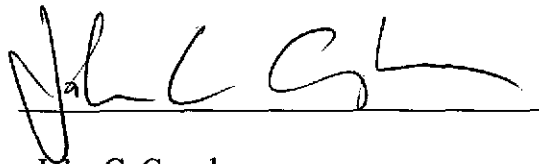
1 accelerated and immediately shall be due and owing under the terms of this Consent Judgment; it
2 is further

3 ORDERED AND ADJUDGED that if Anderson complies with all terms and payment
4 provisions specified in sub-paragraphs (A), (B), (C), and (D) above, then, notwithstanding any other
5 provision in this Consent Judgment regarding the total Consent Judgment entered in the amount of
6 \$453,917.62 30, the United States shall, upon request, file a Satisfaction and Discharge of this
7 Consent Judgment herein as against Kilroy and Anderson; and it is further

8 ORDERED AND ADJUDGED that, to the extent necessary to effectuate the terms and
9 provisions of this Consent Judgment, the Court shall retain jurisdiction, such continuing jurisdiction
10 expressly being acknowledged, understood, and consented to by the parties.

11 IT IS SO ORDERED AND ADJUDGED.

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13 DATED this 5 day of January, 2010.
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17 John C. Coughenour
18 UNITED STATES DISTRICT JUDGE

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2 THE UNDERSIGNED PARTIES enter into this Consent Decree in the matter of UNITED
3 STATES OF AMERICA v. KILROY AND ASSOCIATES, INC., DANIEL P. ANDERSON:
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6 FOR THE UNITED STATES OF AMERICA:

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8 Dated: December 22, 2009.

9 TONY WEST
10 Assistant Attorney General
11 JEFFREY C. SULLIVAN
12 United States Attorney
13 BRIAN KIPNIS
14 Assistant United States Attorney

15 /s/ R. Michael Underhill
16 R. MICHAEL UNDERHILL
17 Attorney in Charge West Coast Office
18 Torts Branch, Civil Division
19 U.S. Department of Justice

20 Attorney for Plaintiff
21 United States of America

22
23 Dated: December 22, 2009.

24 FOR DEFENDANTS KILROY AND
25 ASSOCIATES, INC., DANIEL P. ANDERSON

26 Young deNormandie, PC

27 /s/ Mark Scheer
28 MARK SCHEER

Attorneys for Defendants Kilroy and
Associates, Inc., Daniel P. Anderson

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